

# HOUSE BILL 1236

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By: **Delegates Taylor, Carr, Davis, Feldman, Frush, Hubbard, Manno, Montgomery, Oaks, Ramirez, Rice, Ross, V. Turner, and Vaughn**  
Introduced and read first time: February 18, 2010  
Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Minority Business Enterprises – Waiver Requirements**

3 FOR the purpose of prohibiting certain units of government from waiving the  
4 obligations of a contractor relating to minority business participation unless the  
5 contractor publishes a certain solicitation for certain minority business  
6 participation, does not receive a response to the published solicitation, and a  
7 certain period of time has passed since the solicitation was published; and  
8 generally relating to the waiver of minority business enterprise requirements.

9 BY adding to

10 Article – State Finance and Procurement  
11 Section 14–302(a)(9)  
12 Annotated Code of Maryland  
13 (2009 Replacement Volume)

14 BY repealing and reenacting, with amendments,

15 Article – State Finance and Procurement  
16 Section 14–303(b)(8)  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – State Finance and Procurement**

22 14–302.

23 (a) **(9) A UNIT MAY NOT WAIVE THE OBLIGATIONS OF A CONTRACTOR**  
24 **RELATING TO MINORITY BUSINESS ENTERPRISE PARTICIPATION UNLESS:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1                   **(I) THE CONTRACTOR PUBLISHED A SOLICITATION FOR**  
2 **MINORITY BUSINESS ENTERPRISE PARTICIPATION IN A NEWSPAPER OR OTHER**  
3 **PUBLIC FORUM;**

4                   **(II) THE CONTRACTOR DID NOT RECEIVE A RESPONSE TO**  
5 **THE SOLICITATION; AND**

6                   **(III) AT LEAST 30 DAYS HAVE PASSED SINCE THE DATE THE**  
7 **SOLICITATION WAS PUBLISHED.**

8 14-303.

9           (b) These regulations shall include:

10                   (8) consistent with § 14-302(a)(6) **AND (9)** of this subtitle, provisions  
11 relating to any circumstances under which a unit may waive obligations of the  
12 contractor relating to minority business enterprise participation;

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2010.